Weather Forecast.

PRICE TWO CENTS.

Forcest for Thursday and Friday: Virginia-Generally fair Thursday and Friday, winds mostly fresh northerly. North Carolina-Fair Thursday and probably Friday; fresh north to east winds.

VOL. 15. NO. 43.

RICHMOND, VA. THURSDAY, MARCH 29, 1900.

### TAX LAW'S FATE IN JUDGES' HANDS

Argument Had as to the Act's Constitutionality.

#### REASON AND ORATORY

Leading Lights of Virginia Bar-Attack and Defend the Measure.

#### SENATOR DANIEL'S ARRAIGNMENT

Disputes the Contention of the Com monwealth That the Bill Carries no Appropriation Clause and Holds That if This be True the Whole Act Must Fall.

The fate of the "Commissioner of Val-uation Act" is now in the hands of the Supreme Court of Appeals. For four hours yesterday the five distinguished judges listened to argument pro and con, while the many listeners that crowded the spacious room almost to suffocation

while the many while the spacious room almost to suffocation were held almost spell bound by the reason and eloquence of some of the leading lights of the Virginia bar.

The bill is scheduled as "W. C. Preston and Others, petitioners, vs. S. B. Witt, Judge, and Robert V. Marye, respondents, on a petition of a writ of prohibition; W. F. Lambert vs. W. H. Smith, Sergeant, on a petition for habeas corpus; McMenamin and Others vs. W. H. Sergeant, on a petition for habeas corpus; McMenamin and Others vs. W. H. Mann, Keeper of the Rolls, and J. H. O'Bannon, Superintendent of Public Printing, on a petition for a writ of mandamus; and W. H. Sale vs. A. R. Hanckel, Judge, on a petition for a writ of mandamus. The question involved in all of these cases is the constitutionality of the act of the last Legislature.

The petitioners were represented by Senator John W. Daniel, Judge J. D. Horsley, of Lynchburg; Col. F. L. Smith and A. W. Armstrong, of Alexandria; A. P. Thom, of Norfolk; F. F. Causey, of Hampton; Major Charles S. Stringfellow, F. W. Christian and Senator B. B. Munford, of this city.

The court-room was crowded almost to suffocation, and several ladies were present, who seemingly displayed as greatinterest in the arguments as any of the noted barristers or others who were listened to attentively throughout the session.

The court, after a conclusion of the argument, took the case under considera-

tion.

COL. SMITH OPENS CASE.

Colonel Francis L. Smith opened the case for the petitioner, Mr. Lambert. He reviewed the law, the reasons of its making, its provisions and the inevitable results. Col. Smith related the occurrences following the appointment of Col. Ranker, comprisioner of valuation for rences following the appointment of Cot.
Barley, commissioner of valuation for
Alexandria, his demands on Mr. Lambert
to make a statement as to the deposits
for a certain depositor in his bank, which
on refusing to do, Mr. Lambert was arrested, sentenced and imprisoned.
Colonel Smith declared that the law
was unconstitutional, because no recorded

was unconstitutional, because no recorded vote had been taken, and was therefore, inoperative. He stated that the law provided for appropriation from the public treasury and was inquisitorial.

LEGAL ACT. SAYS MONTAGUE. Attorney-General Montague followed Colonel Smith. His principal contention was that the law was not unconstitution. That in no instance had any appro-tion been made or provided for, and refore no recorded vote was necessary.

"The evidence relied on by our oppo-nents to show that the act, the validity of which is questioned, was not passed in the manner required by article 10, se in the manner required by attack to, and the interval of the Constitution of Virginia, are the extracts from the journals of the House of Delegates and of the Senate, which have been excepted to by counsel for the Commonwealth as incompetent to show that any formality, which was essary to the validity of the act, was omitted. The article just referred to pro-

'On the passage of every act which imon the passage of very set when me poses, continues or revives any appropri-ation of public or trust money or prop-erty, or releases or discharges or com-mutes any claim or demand of the State. the vote shall be determined by ayes an

mutes any claim or demand of the State, the vote shall be determined by ayes and moes and the names of the persons voting for oragainst same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of law?

"We have put in evidence the enrolled bill, duly signed by the presiding officers of the House and Senate, and approved by the Governor, and submit to the court without further comment or argument the question, whether the presumption as to the act having been properly passed which arises from what we have shown, is not conclusive. The journals of the House and Senate are silent as to the number of members of the respective bodies who voted for or against its passage, are silent as to whether the ayes or noes were called, and it would, we submit, be going very far to hold that the burden was on the person claiming the law to be valid to show affirmatively that it was properly passed, after it had received the sanction and approval of both houses of the Legislature and of the Governor. The statement in the resolution passed by the Senate on the Monday following the passage is excepted to, and is, we submit, not evidence of any fact therein stated."

CARTEER HOLDS MEASURE JUST.

Mr. Hill Carter, of Richmond, followed

CARTER HOLDS MEASURE JUST.

CARTER HOLDS MEASURE JUST.
Mr. Heil Carter, of Richmond, followed
Mr. Montague. He stated that he felt
as if he would simply cover the ground
already gone over by his associate.
"I think," said Mr. Carter, "that this
law, which has been so bitterly protested
against, does only, if its provisions are
followed out, make but each one bear his
fears of the mulic hunds. That haveshare of the public burden. That, how-ever, is something with which this court has nothing to do. That belonged to the

Legislature.
"The contention is made by those who oppose this act that the measure carries oppose this act that the measure carries with it, in two sections, an appropriation of public money. They ask that its fourteen provisions be crushed on this charge. I say that this charge is not sustained. The appropriation bills passed by the last Legislature provide for the payment of public printing and other debts.

"Appropriation does not mean." declared

oney) out of the public treasury.

noney) out of the public treasury.

"The ninth section merely ascertains it what rate (the exact amount even is not fixed) the commissioner is to be paid, and when it directs how he is to be paid, says he is to be paid in the same manner as compensation is now made to the commissioner of the reserved as the commissioner of the reserved. made to the commissioner of the revenue was paid under the general appropriation bill from year to year, and as the only way in which he could be paid was under the provisions of this bill, then pending and about to pass, this language amounts to no more than saying that the Commissioner of Valuation should be paid as provided for in the general appropriation bill.

"But whether this view be sound or not, the ninth section clearly does not appropriate, set apart, any money or fund for the payment of this commission.

FOR FUTURE LEGISLATION.

"Nor does the eighth section do so either. All they do is to declare that these expenses are a proper charge on the State and that they may be payable out of the State Treasury. No fund was appropriated or even designated for the payment, that was left for the future act of the Legislature and was to be provided for by the general appropriation.

of the Legislature and was to be pro vided for by the general appropriation bill, in the absence of which the auditor bill, in the absence of which the auditor would have no authority to pay out any money under either of these sections."

"We think that the very measures relied upon by the opponents of this bill to have it declared void, are themselves

"Is it that the provisions of this act are so clearly interdependent that, if one section is found unconstitutional, that

one section is found unconstitutional, that all must fall, yet this court is asked to declare the entire fourteen sections unconstitutional?"

Mr. Carter stated that no appropriation was in any way made by the measure, and the courts could not decide that the act was unconstitutional on that

Senator John W. Daniel made the clos

ground.

Senator John W. Daniel made the closing argument for the petitioner.

Senator Daniel reviewed the English struggles of the Seventeenth century. Said he:

"It has been a fundamental principle perpetuated in the Virginia Constitution that a record shall be kept of all votes on appropriations to be made from public funds. This formality was not observed, and in all the cases that have been cited in which courts have expunged the unconstitutional sections, our opponents have not cited one in which such a course was pursued, where the fundamental principles have been violated.

"Our Constitution says that on the passage of every act devising or providing for appropriations a vote of ayes and noes shall be taken and recorded on the journals of each house.

"This record must be kept to show whether the bill was passed by a constitutional majority. This is imperative.

"The act before us was still born. It never breathed a day of life. The very day on which it was alleged to have passed, a declaration signed by two-thirds majority of the Senate declared that it had not passed in a constitutional manner. The Supreme Court recognizes the difference between such cases as has been cled and the case in question.

The Supreme Court recognizes the difference between such cases as has been cited and the case in question. There is not a town in the State that does not furnish them a client.

"The provisions of this act remove the power of the people, and reposes it in a central government, and allows such off spring to supersede, and for a longer period exercise those functions of the officer chosen for this very purpose by officer chosen for this very purpose by people. It is passing strange, I say our friends cannot see in the secof this bill provisions for an approtions of this bill provisions for an appro-priation, where it specifically states that books and printing were to be the prop-erty of the State, and in nc sense the individual property of the commissioner. In the words of ten commandments, the most imperative terms of the language we read in section No. 9: 'Shall be' paid

we read in section A. 3: Shan be paid out of the treasury."
"That not an appropriation?"
"Enaster Daniel carefully reviewed the language of the act, and pointed out in-stance after instance where appropria-(Continued on Seventh Page.)

#### THE PRESIDENT CAN'T INTERFERE

But He Recognizes as Far as He Can Do so Legitimately the Republi-

can Officers in Kentucky.

WASHINGTON, March 28.-The President has informed Kentucky Republicans that while he cannot interfere in Ken-tucky affairs to the extent of disarming the militla of either faction, he is willing, the militla of either faction, he is willing, so far as he can legitimately do so, to recognize the Republican officials of that State as the de facto officials. He told them in the same connection that he would give directions that mail addressed to an official by title only, as to "The Governor" or "The Screetary of State." should be delivered to the Republicans holding those offices, and not to the

Democrats.

The Postmaster-General has sent the following telegram to Postmaster Holmes at Frankfort:

"Replying to your telegram, mail addressed to official persons by name is to be delivered to the persons named. Mail addressed to State officials without desigaddressed to State officials without designation by name is to be delivered to the actual incumbents of the office; the mere fact that contest board has given certificate to contestants will not justify delivery of mail of latter class to them under the contestants will not justify desired to the maintainty of the contestants. til they are lawfully inducted into office. This reply is based on your statement that contestees still hold the office.

#### (Signed) "CHAS, EMORY SMITH "UNCLE ABNER" WAS HERE.

"Postmaster-Gen

President's Brother Passed Through Richmond Last Night,

Mr. Abner McKinley, brother of the President of the United States, was in Richmond yesterday evening. He spent half an hour in the city.

Mr. McKinley and party were returning from the South. They were in a private car that was attached to the regular train that reached the city about 8 Mr. McKinley came out of his coach

and walked about the Union Depot during most of the time he was here.

#### VARSITY TO PLAY HERE.

Virginia Ball Team to Meet Suwance Buring Carnival Week.

Buring Carnival Week,

It was learned yesterday that the base-ball team of the University of Virginia will play a series of three games, with the team of the University of Tennessee, of Suwanee, in May. Two of these games will be played at the University on Thursday and Friday, May 17th and 18th, and the third game will be played at Broad-Street Ball Park on Saturday, May 19th, and will be one of the attractions of the last day of the Carnival. Both teams will be good ones, "Appropriation does not mean." declared Mr. Carter, "the fixing the amount that should be received, but in the actual disposition of funds. Every one knows the difference between fixing the sum that a person should get and his setting it."

Neither of these acts," declared Mr. Carter, "actually appropriates and money (which is exactly the same thing as to impose of make an appropriation of

### CARNIVAL WEEK, RICHMOND, MAY 14 TO 19. PACIFICATION OF THE BRITISH KNEW

Sir Alfred Milner's Mission to Bloemfontein.

THE FREE STATE

INACTION AT AN END.

Troops are Being Pushed to the Front and Stores Collected.

WOLSELEY'S CONGRATULATIONS.

He is Pleased on the Manner in Which the War is Proceeding-All is Well at Mafeking, But the Bombard-

ment is Kept Up and the Rations May Have to be Again Reduced.

LONDON, March 28.-The British High Commissioner, Sir Alfred Milner, arrived at Bloemfontein last night, and was met by Lord Roberts and his staff.

According to a dispatch from Bloem fontein, published in the second edition of the Times, the High Commissioner's visit is of a private nature. It is thought this can scarcely be anything but an official subterfuge, the question of the pacification of the Free State and the treatment of the insurgents doubtless being discussed between Lord Roberts and Sir Alfred Milner.

According to the same dispatch General French, previous to returning to Bloem-fontein, occupied the flour mills near Batter, which are considered an import-ant acquisition.

Reports from Rouxville and other towns say the surrender of arms to the British continues satisfactorily.

General Clements' column entered

General Clements' column entered Fauresmith Tuesday, March 27th, having previously occupied Jagersfontein. Magistrates were appointed, the proclamation was read, bands of music met the troops, and flags were flown. The scenes resem-bled the American occupation of Porto Rico towns.

CAUSING SICKNESS. Among the spectators at Fauresmith was President Steyn's daughter. Heavy rains made General Clements' march hard, and are causing sickness among

hard, and are causing sickness among the troops.

A dispatch from Maseru, Basutoland, dated Tuesday, March 77th, says the apparently reliable reports that the Boers are re-entering Ladybrand cause the presumption that the British troops have crossed the line of the Boer retreat towards Kroonstadt, and that a fight or surrander near Ladybrand is imminent. surrender near Ladybrand is imminent surrender near Ladybrand is imminent.

As Maseru dispatches are not distinguished for their accuracy, and as the British force near Ladybrand, under Colonel Filcher, is quite small, nothing very definite seems likely to result from

the operations. Further advices from Mafeking, dated March 16th, reiterate that all was well there and that the cordon was not so

there and that the cordon was not so tightly drawn, the Boers allowing natives to pass through their lines, which they had previously forbidden.

The native refugees are reported to be too stupid and lazy to work or take cover from the shells. They gather in crowds around the soup kitchens, and have to be driven away when the warning hell rings. driven away when the warning bell rings. HOMBARDMENT VIGOROUS.

dispatch being sent had been unusually vilgorous, and it was added that it was probable that before long the rations would be still further reduced. Two Boer prisoners escaped from the camp at Simonstown March 26th. The ickness there is unabated, and many of

ered from wounds and who have re-turned to duty, which list includes the name of Lieutenant John Churchill, brother of Winston Churchill.

A special dispatch from Bloemfontein

ays:
"The preiod of inaction is coming to an end. Troops are being pushed to the front and transports and stores are being collected. The men are in grand condi-tion and the horses are picking up won-

However, the reports regarding the im. minence of a forward movement are so conflicting that they cannot be taken as in any way authoritative.

CONGRATULIATIONS.

Presiding at the annual meeting of the Militia Rifle Association this evening, the commander-in-chief of the forces, Lord Wolseley, sald the gountry was to be congratulated on the manner in which the war was proceeding. Great Britain, he pointed out, had in the field the largest army ever sent across the seas in the history of the world, and composed of the finest men he had ever seen in any army. This satisfactory situation, he continued, was primarily due to the wonderful army system inaugurated by Lord Cardwell, but for which it would have been impossible for Great Britain to carry on the South Africa war, as, had it not been for the militia and reserves. Great Britain would have been in a very bad way. commander-in-chief of the forces, Lord

the militia and reserves, Great Britain would have been in a very bad way.

Continuing Lord Wolseley said nearly nine hundred officers and thirty battalions of militia had been landed in South Africa since the war, that 27,000 militia had passed into the regulars since 1887-28, and that the emodiment of the military into the regulars this year was successfully certified out.

carried out. The Commander-in-Chief further said that the officer in charge of the embarka, tion testified to the high standing of all who went out, all of which, he concluded, proved the immense value of militia to regular troops.

Has Retaken Ladybrand. KOONSTADT, ORANGE : FREH STATE, Tuesday, March 27.-Command-STATE, Tuesday, March 2.—Commandant Crowther, who commands the Transvaal fighting line in the South, reports that he has retaken Ladybrand, after the British had been there an hour. He adds that Landrost Vangorkum and Field Cornet Smith fell into the hands of the British, of whom three were recorded and one was made prisoner. wounded and one was made prisoner. The Boer loss, he declares, was nil.

(Continued on Second Page.)

## SHERIFF LEE OUR CABLE CIPHER

Ex-Consul Macrum

HIS REASONS GIVEN.

Dispatch Published in Natal Day After it Was Sent.

REFUSED HIS GOOD OFFICES.

Mr. Macrum States That President McKinley Was Requested to Intervene to Settle the Trouble Brew-

ing in South Africa and That He Gave an Unfavorable Reply.

WASHINGTON, March 28 .- Charles E. Macrum, of East Liverpool, O., the American ex-consul at Pretoria, appeared before the House Foreign Affairs Commit tee to-day and told of the alleged indignities he suffered at the hands of the British during his incumbency. When he gave out his statement here some weeks ago, declaring that his official mail had been opened by British officials. Representative Wheeler, of Kentucky, introduced a resolution for an investigation. duced a resolution for an investigation It was subsequently arranged that the Foreign Affairs Committee should take the matter up of its own motion without any direction from the House, and Mr. Macrum was summoned to Washington to

Mr. Macrum is a slight man, about thirty years old. He was asked by Chair-man Hitt to make such state-ment as he saw lit regarding the man Hitt to make such state-ment as he saw, lit regarding the opening of his mail by the British censor. He explained that when he asked for a leave of absence he desired to come home for private business reasons and also because he desired to place before the United States Government certain facts which he deemed it essential should be known here. be known here.

He understood, he said, that the Brit ish had possession of our cable cipher. He was not certain of this, but he had since had information which convinced him that his suspicious were correct.

him that his suspicious were correct.

REQUESTED NEUTRALITY.

He also desired information as to his course when the settlement came at the end of the war. Further, he had a petition from some American residents in the Transvaal, asking that the United States maintain absolute neutrality, which he wanted to present to the State. States maintain absolute neutrainty, which he wanted to present to the State

Department.

The petition he read to the committee. It was signed by Gordon, the consular agent at Johannesburg.

Asked when he was first satisfied that his mail was being tampered with, he said that war was declared October 12th. He did not receive any mail between that lid not receive any mail between that date and the second week in November Ordinarily he had a box of mail every

"Did other people receive mail during that period?" dsked Mr. Williams, of Mississippi.

"Not that I know of," replied Mr. Ma-"Not that I know of," replied Mr. Ma-crum.

Pressed for specific information as to how he got the intimation that the Brit-ish were opening and delaying his mail, he replied that when his mail did not arrive he telegraphed our Consul at La-

renzo Marques, requesting him to inquire of Cape Town why it was being delayed. The Consul at Lorenzo Marques replied that he also had had no mail. OPENED LETT ....

Consul at Pretoria, and the other was to him by name from Consul Stowe, at

Mr. William Alden Smith, of Michigan, Interrogated the witness sharply on the reasons for stating his belief that the Britlsh authoritles had possession of the State Department's cipher.

the State Department's cipher.

Mr. Macrum said he could not affirm that fact from actual knowledge, but there were certain facts which convinced him that such was the case. He explained that on November 6th he had cabled the State Department in cipher calcing. asking for a leave of absence. That message had gone through Durban. The next day, November 7th, he said

had been informed a newspaper at Dus-ban printed the fact that he had asked for a leave of absence.

Mr. Smith was proceeding to interro-gate Mr. Macrum as to the character of the code used by him in this dispatch, especially as to whether he had used what was known as the Slater code, a common code, purchasable any-where.

Mr. Hitt thought it improper to touch the matter of the code employed by the government, but it was finally agreed (Continued on Fifth Page.)

### SENTENCE OF A PATRICK LYNCHER

Wm. M. Branch Gets Five Years on Second Trial for Lynching Lea Puckett Two Years Ago.

STUART, VA., March 28.-Special.-The trial of W. M. Branch, one of the The trial of W. M. Branch, one of the parties charged with lynching Lee Puckett in September, 1838, came up in the County Court here yesterday and was concluded to-day. The verdict of the jury was five years in the pentientiary. The other five are now in the pentientiary, but Branch had secured a new trial. The-defendant was represented by Judge N. H. Hairston, of Martinsville, and S. A. Thompson, of this place. The case was submitted to the jury wifhou argument.

# TELLS THE STORY

Startling Statement of Gives an Account of the Tragic Happenings.

COTTONSCAREERTOLD

The Officer Asks the Public to Suspend Judgment

UNTIL ALL FACTS ARE KNOWN.

Col. Field, of Petersburg, Thinks the Lynching Was Inexcusable and Says a Few Determined Men Could Have Prevented it-Crowd Numbering Not Over Five Thousand.

EMPORIA VA., March 28.-Special. Sheriff S. W. Lee in response to a re quest from The Times sends the follow ing written statement of the occurrences in connection with the tragic events here that led up to them

SHERIFF LEE'S STATEMENT. On February 22d George W. Blick was brutally murdered in his house in Emporia, Va., and no trace of the murderer could be found. The money, keys, ristol, &c., of the murdered man were taken, and great indignation was expressed by the citizens of Emporia and surrounding

the citizens of Emporia and surrounding country.

On the night of March 20th the dwelling house of Mrs. E. A. Peebles was entered by burglars and money, two gold watches and clothing were taken from Mr. J. R. Grizzard, the son-in-law of Mrs. Peebles, Mr. Grizzard was aroused by his wife and demanded of the robber what he wanted. Immediately Mr. Grizzard was covered with a pistol in the hands of the robber and the demand was made for money. Mrs. Grizzard was told that if he moved "his d—d top piece would be blown off." He wisely remained quiet and the robber left. ed quiet and the robber left.

On the next morning public-spirited citi-zens of Emporia wired for a detective and blood hounds. Mr. Branch came and blood nounds. Ar. Branch came from Suffolk and brought his dog. The search commenced. The robber went east and was traced to Arringdale, a station on the Atlantic and Danville Ratiroad. His breakfast was furnished him by a negro, and while his breakfast was presented the subject want to a "space" and paring the robber went to a "shack" and divesting himself of his own, put on Mr. Grizzard's clothes. Arringdale is about fifteen miles east of Emporia. The whole of the day of the 21st instant and much of the night were spent in tracing the

COTTON IN EMPORIA. On the morning of the 22d instant he had been traced from Arringdale to a station called "Green Plains," about seven miles from Emporia. It has been ascertained that at Green Plains he boarded a west-bound train on the night

of the 21st and came to Emporia.
Having reached Emporia on the night of the 21st instant, he walked down the Coast Line to "Turners" or Skippers, a way station about five miles south of Emporial of the 21st and came to Emporia.

About 1:30 P. M. on the 22d, a messag was received from Emporia by the partie who had traced the criminal to Arring dale and thence back to Green Plains, that John W. Saunders and Joseph B. Welton had been murdered by the robber, and all parties at once returned of Greensyille to join in pursuit of the murderer. This party, with Mr. Branch and his dog, reached Skippers about 4 o'clock P. M. The dog was at once put on the track and ran it for about an hour. Betrack and ran it for about an hour. Be-fore the arrival of the dog Mr. J. S. Weaver saw the murderer rapidly running, through a pine wood. Swamps and marshes prevented immediate pursuit. Mr. Weaver found a lot of hands who were cutting logs for G. L. Vincent & Co., and upon inquiry found out that he had traded off the coat and vest stolen from Mr. Jack Grizzard. These were recover-Mr. Jack Grizzard. These were recoved, brought to Emporia and Identified.

O'GRADY FOUND. O'Grady was found and arrested about 3 o'clock in the evening. He stated that he was hunting for his partner, and wanted to see if he had been hurt. Messrs. Saunders Welton and Morriss entered a he was hunting for his partier, has wanted to see if he had been hurt. Messrs. Saunders, Welton and Morriss entered a desirted cabin near Skippers, thinking that there would be found a white tramp, (who proved to be O'Grady), and intended to search him and ascertain it he had upon his person any property which had been taken from Mrs. Peebles' house. Upon entering the house Uotton was nodding before the fire. He was awakened by O'Grady. Immediately arose, a pistol was in each hand and he commenced to shoot. Mr. Welton fell at the first fire. Mr. Saunders was struck four times, and, leaving the house, fell dead at a distance of twenty feet. Upon the arrest or O'Grady no violence was attempted. He was conveyed by a deputy to the county jail. COTTON ARRESTED.

About 5 o'clock it was ascertained that Cotton had been seen near Emporia, head-ing north. Immediately horsemen went ing north. Immediately horseatch with search of the hunting crowd and the dog. When Emporia was reached the hunt was resumed. About 9 o'clock P. M. a telegram was received from Jarratt's Dopot, ten miles north of Emporia, stating that a man, wounded in the hund, was there. Men, worn and weary from excitement and chase, immediately resumed the search, and started for Jarratt's. Farmers in the country were aroused, scouts sent out, and the railroad and bridges guarded. Every precaution was taken to get the murderer.

About 8 o'clock A. M., on the 23d instant, Cotton was arrested by Mr. Moore and carried to Stony Creek to await the arrival of the southbound train. He reached Emporia at 11:15 o'clock, was guarded by clizens and safely placed in the county jail, and in the cell with O'Grady. in search of the hunting crowd and

O'Grady.

A few quiet and conservative citizens entered the jall, and Cotton made a confession. He denied that he was the murfound in his pockets. He wore the pants (two pair) of Jack Grizzard, and had the pistol and two watches of which Mr. Grizzard had been robbed. He kientined O'Grady as his accomplice in crime, and stated that 'O'Grady had selected the Chesapeake and stated that 'O'Grady had selected the

house to be burglarized. He explained fully how the whole nefarious work was done, and turning to O'Grady, said with a bad eath and an insulting name, "Why don't you own up—you have no longer to live than I have." This confession of crime and accusation of O'Grady as an accomplice was made about 1 o'Glock P. M. on the Ed instant. About 1 o'Glock P. M., on the Ed i

to assist. But there was no other to there had been no attempt to offer violence to the prisoners.

WHISKEY SENT.

On Wednesday, 21st instant, I left Emporia for Southampton, and returned on the evening of the 22d instant, with little sleep and little to eat during the time. The night of the 22d was sepnt by me in Emporia. When the prisoners reached Emporia I summoned a posse to guard him to the jall, where he was, safely delivered.

On the night of the 22d instant an assemblage of clizens was held on the steps of the courthouse yard. They were addressed by some of our clizens, and it was understood that they would separate and go home. A clizens' gnard of twenty-five, under charge of Deputy Goodwyn, were put around the jall, and the soldiers retired to the courthouse for the night.

While in the courthouse talking with

While in the courtinouse taking wind one of the men a negro came to the door and called for the Sheriff, and said: "Here is some whiskey sent to the solders." One of the solders said: "Give me one of them." He took it and left. At this time Major Cutchins came up and said: "Do not give it to them." I carried one jug away. At about 12 o'clock said: "Do not give it to them. I carried one jug away. At about 12 o'clock I retired, leaving the jail in charge of Deputy Goodwyn.

I arose early on Saturday morning and found the military on duty. About 10 o'clock a conference was held at Judge Goodwyn's office. The result is knewn.

I WAS NOT DRUNK.

After days and nights of service and excitement I was physically exhausted and worn out and not drunk. Rest was needed, and I could do no more than leave, under Deputy Goodwyn, a guard of citizens to take charge of the pris-

oners.

A letter, dated Providence, R. I., March 25, 1900, and written by a gentleman who lived for many years in Scotland Neck, N. C., reads as follows: One thing causes my writing sooner than I otherwise should was seeing account of lynching in your town on the 24th instant of Walter Cottom God forbid that I should rejoice at the death of any person, but I feel relieved at hearing that this miserable boy was overtaken. I am well acquainted with the boy. He was raised on my farm to the age of fiften years. His mother raised a family of four children, he being the youngest of them. He was so bad that his mother, Rosa Cotton, gave Walter to me at about the age of eight years. I kept him about seven years, and he broke into Edmundson and Jasey's store, in Scotland Neck, and

eight years. I kept him about seven years, and he broke into Edmundson and Jasey's store, in Scotland Neck, and took money and goods. He was apprehended, tried and sent to prison for twenty months, and came back at the end of his term. In a very short time he broke into Mr. Shield's store and took about \$200. He was again caught and sent to prison for three years. When he came back he stabbed a man and ran away and could not be overtaken.

KILLED HIS FIRST MAN.

The next I heard of him he had killed a man in Portsmouth. Va., and was convicted and sentenced to be hanged on the 17th of last November. I was in Norfolk on the 3th of October, and went over to see the boy. I asked him how he felt over his conviction. His answer was: "It don't make a d—d bit of difference to me what they do with me."

I asked him some questions and left of all boys, or men either, as far as that goes, he was the worst I ever tackled in all my dealings with negroes. I respectfully ask that an impartial public suspend judgment so far as my conduct is concepted and not execute lynch law upon my character until they are fully informed as to facts.

On Saturday, the '2th instant, some

on Saturday, the 2th instant, some conservative citizens pleaded for the life of O'Grady. There are none here now who doubt his guilt or who would re-

(Continued on Second Page.)

### C.& O. DIRECTORS REORGANIZED

Three Directors Said to Representthe Pennsylvania and Three the Vanderbilts.

NEW YORK, March 28.-At a meeting

the VanderDills.

NEW YORK, March 28.—At a meeting held in this city to-day the Board of Directors of the Chesapeake and Ohio Raliway was reorgapized, presumably in the interest of the Pennsylvania, and the Vanderbilts, by the election of the following as directors: S. M. Prevost, Samuel Rea, N. H. Parker Shstridige, Chauncey M. Depew, H. McKay Twobley, and H. J. Hayden.

The three first named are said to represent the Pennsylvania and the three latter the Vanderbilts. The other directors are G. W. Stevens (president), Decatur Axtell, and H. T. Wickham.

Rumors have been in circulatiton for several days regarding a proposed extension of the Chesapeake and Ohio and including the acquisition of the Toledo and Ohio Central and Kanawha and Michigan Central Raliroads. President Caloway, of the New York Central, when asked to-day about these reports, said; "There Is not a word of truth in it. A majority of the stock of the Chesapeake and Ohio is owned by the New York Central and Pennsylvania Raliways, and there are to be no extensions. The Chesapeake and Ohio is now in a postion where the other two roads named has a close interest in its policy and management, and it will not figure in any outside deals. The fact that the Chesapeake and Ohio is a natural feeder as well as an outlet of the Big Four system made it necessary that the Vanderbilts should have a voice in its management."

Another influential officer in the Vanderbilts system said: "The time has gone by for the Chesapeake and Ohio is vastem to be used in any section of the Chesapeake and Ohio system to the use of the Chesapeake and Ohio is vastem to the use of the Chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of the chesapeake and Ohio system to the use of

Another influential officer in the Van-derbilt system said:

'The time has gone by for the Chesa-peake and Onio system to be used in any new deals. It is the property of the Vanderbilts and the Pennsylvania, and a Vanderbilts and the Pennsylvania, and a majority of the wtock is put away where speculators cannot reach it. Undoubtedly such traffic alliances as the Chesapeake and Orio has, which are of advantage, will be maintained and strengthened."

The Chesapeake and Ohio runs from Newport News to Cincinnati, and it is composed of a number of subordinate lines, including the Elizabeth, Lexington and Hig Sandy; the Ohio and Hig Sandy River, the Kentucky and South Atlantic, and the Virginia Midiand. There has also been close traffic relations between the Chesapeake and Ohio and the Kanasaka and Midiana.

### RAN UNDER TRAIN TO GAIN FRÉEDOM

Convict Escapes From Penitentiary Guards.

BROKE THE MANACLES

Pursued and Pursuers in Lively Race But Hawkins Won Liberty.

HAS NOT BEEN RECAPTURED.

Memories of a Ten Year Sentence and

Fears of Another Term Only Served

to Spar Him on in His Wild Dash for Freedom and Leave His Former Captors in the Lurch.

scaped from the Penitentiary Guards C. A. Birding and E. A. Haynes last pot, and has not been recaptured. Birding, who had been sent to Portsmouth after six prisoners, returned with them on the train which reached the city las evening at 6:50 o'clock.

He was met at the train by Haynes, and both guards were in charge of the prisoners when Hawkins escaped. The frons were on all the men when they were taken from the second-class car, and were being marched down the plat-form single file, Birding leading and Haynes bringing up the rear. Just as the column reached the middle

of the car Hawkins broke the irons on his wrists and made a dart under the WILD DASH FOR FREEDOM.

Once on the other side he ran dows
the track and thence out Marshall Street. At the time the negro made the dash freedom there were many persons

Several guards of the penitentiary, as-Several guards of the pententary, as-sisted by the police officers, continued the search through the night, but Haw-kins was not captured. Hawkins was under sentence of seven years for burglary committed in Ports-mouth. Only a few months ago he was discharged from the pententiary, having served a term of ten years.

#### GEN. ALLAN BETTER.

The Tramp Ship Essex in Hampton Roads—The Vidar Floated.

NORFOLK, VA., March 23.—Special.— The condition of General Edgar Allan, who has been ill here is much better to-day. Dr. Southgate, his physician, believes that he will be upon the street

The training-ship Essex has arrived at Hampton Roads from a Mediterranean winter cruise. She touched last at Havana; 143 naval cadets are aboard. She will re-

Managers Thomas Leath and Jake Wells contemplate building a vaudeville theatre here. Several sites have been examined by them.

The British steamer Ariosto, as she lies ashore at Ocracoke, was sold to-day at auction for \$305. She cost \$309,000.

The Norwegian steamer Vidar, which went ashore near Cape Henry Monday, was haulded off to-day by the Luckenbachs, and came to Norfolk under her over them. She appears undurt. The

own steam. She appears unhurt. own steam See appears under. The tugs, it is stated, were paid \$3,000 for one day's work.

Mr. Ephralim Mathias, candidate for keeper of the cemeteries at Portsmouth at the May election, is dead after an ill-

ness of six weeks. | Admiral Rogers, Constructor Capps, Commander Hemphill and Lieutenant-Commander Henderson, composing a Commander Henderson, Composing a board of inspection and survey, are a scertaining the condition of all the vessels at the Norfolk Navy Yard.

The trial of the Kearsurge, set for April 3d, has, it is reported, been expediated,

Dr. McGuire a Little Worse.

The condition of Dr. Hunter McGuire was somewhat unfavorable at a late hour last night, and it is now feared that his condition may grow worse. At an early

SUMMARY OF TO-DAY'S NEWS

Local. Commissioners of Valuation act before Supreme Court.

-Howitzers going to Louisville.

-Abuer McKinley passes through Richmond.

Hichmond.

-University team to play a series of games with club from University of the

outh.

-Popular county clerk ill in Richmond.

-The Elks elect officers.

-Plans of the Passenger and Power Company.

-Meetings of political clubs.

-Richard Hawkins a negro convict, breaks his manacles and escapes from penitentiary guards. State.

State,

-Warren Brown, prominent young man, acquitted at Christiansburg of stealing a pair of steers from Rev. D. C. Moomaw.

-Nathaniel Peoples sentenced for two years at Bristot for the murder of Stephen Elliott.

-Nottoway Democrats endorse plan of nominating candidates for both short and regular term, and endorse Lassiter for both.

-Sheriff Lee tells The Times his version of the tragic events at Emporia Friday and Saturday.

-The negro Morton, on trial for his life at Houston, Va., in the hands of the jury, who will render their verdict this morning.

morning — Mrs. Wyatt, whose husband Walter Cotton killed, gives Mr. Moore, the negro's captor, a set of silver spoons. General.

General.

-Mr. Macrum says, before Foreign Affairs Commi' ee, that the British had possession of our cipher code.

-Warrants issued for more prominent Republicans in Kentucky.

-President McKniev willing to recognize Republicans as de facto officials of Kentucky.

-Board of Directors of Chesapeake and Ohio reorganized yesterday.

Foreigu.

Ohio reorganized yesterday.

Foreign.

-General Joubert is dead.

-Trouble between Russia and Japan in Korea is imminent.

-Roberts has commenced his advance by sending 10,000 treops north of Bloemfontein.

-Sir Alfred Milner in capital of Free State.

State —Majeking still holds out